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Name:

Signature:

Melissa Scanzillo
Melissa Scanzillo
Clifford Chance US LLP

Docket No. 3142/34

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Reissue Application of: Michael E. Reedy and Edward W. Rider, Jr.

Patent No.: 5,817,261

Issued: October 6, 1998

For: PROCESS FOR PRODUCING ALKENYL AROMATIC
FOAMS USING A COMBINATION OF ATMOSPHERIC
AND ORGANIC GASES AND FOAMS PRODUCED
THEREBY

Assistant Commissioner for Patents
Washington, D.C. 20231

DRAFT REVISED REISSUE DECLARATION

Sir:

Michael E. Reedy and Edward W. Rider, Jr. the above-named petitioners, declare that:

1. We are citizens of the United States of America residing respectively at:

Michael E. Reedy
42 First Street
Keyport, NJ 07735

Edward W. Rider, Jr.
43 South Plank Road
Slate Hill, NY 10973

Our respective mailing addresses are as set forth below:

Michael E. Reedy
25 East Front Street
Keyport, NJ 07735

Edward W. Rider, Jr.
Republic Plaza
Middletown, NY 10940

2. The entire title to Letters Patent No. 5,817,261 granted on October 6, 1998 to Michael E. Reedy and Edward W. Rider, Jr. is vested in co-assignees Reedy International Corporation and Genpak Corporation;

3. Petitioner Michael E. Reedy, as President of co-assignee Reedy International Corporation, is authorized to act on behalf of co-assignee Reedy International Corporation, and petitioner Edward W. Rider, Jr., as President of co-assignee Genpak Corporation, is authorized to act on behalf of co-assignee Genpak Corporation;

4. We verily believe ourselves to be the original, first and joint inventors of the invention described and claimed in the aforesaid Letters Patent and in the specification of the attached reissue application for which invention we solicit a reissue patent;

5. We do not know and do not believe the claimed invention was ever known or used in the United States of America before the invention thereof by us;

6. We believe the original patent to be wholly or partly inoperative or invalid by reason of our claiming less we had a right to claim by failing to obtain claims of varying type and scope. In particular, the error upon which reissue is based is that in the original application, we failed to claim an additive suitable for use in a foamable polymer composition, and a foamable polymer composition comprising an alkenyl aromatic polymer and an additive. We believe the original patent also to be wholly or partially inoperative or invalid by reason of our claiming more than we had a right to claim. In particular, the additional error upon which reissue is based is that in the original application, the blowing agent in the original claims failed to recite that the blowing agent was a non-solid blowing agent comprised of a combination of atmospheric and organic gases. **By specifying that the blowing agent is “a non-solid blowing agent comprised of a**

combination of atmospheric and organic gases," we correct claiming more than we had a right to claim. As a result, the claim language of claims 1, 10, 17 and 18 was modified to more precisely describe the blowing agent, for example, by the recitation of the phrase "consisting essentially of" instead of "comprising" after "an additive for (a)" in claims 1, 17 and 18, and the addition of the "further comprising" and "comprised of" language to claim 10 so that the process can further comprise a solid blowing agent.

7. All such errors which are being corrected in this reissue application up to the time of filing this reissue declaration arose without any deceptive intent on our part. Those errors are believed to be corrected by the proposed amendments to original claims 1-18 and to new claims 19 – 50;

8. We have reviewed and understand the contents of the above identified specification and claims, including amended original claims 1-18 and amended new claims 19-50 as referred to above;

9. We acknowledge the duty to disclose information which is material to the examination of the attached reissue application in accordance with 37 CFR 1.56;

10. Assignees' assent to the filing of the attached reissue application and by the Assignees' offer to surrender the original Letters Patent as required by 37 CFR 1.178 is of record in this reissue application;

11. We appoint the following as our attorneys or agents with full power of substitution to prosecute the attached reissue application and transact all business in the Patent and Trademark Office connected therewith:

John E. Kidd	Reg. No. 19,916	Frank C. Cimino	Reg. No. 39,945
Victor Siber	Reg. No. 25,149	Mitchell S. Feller	Reg. No. 42,530
Margaret B. Kelley	Reg. No. 29,181	David F. Ries	Reg. No. 43,046
Philip E. Roux	Reg. No. 31,295	Charles S. Kwalwasser	Reg. No. 47,728
Michael J. Pantuliano	Reg. No. 18,971	Ira J. Schaefer	Reg. No. 26,802
Joseph P. Kincart	Reg. No. 43,716	Steven J. Lever	Reg. No. 46,871
James V. Mahon	Reg. No. 41,966	Drew M. Wintringham	Reg. No. 31,894
Joseph Levi	Reg. No. 41,152	Ernest Yakob	Reg. No. 45,893
Victor J. Geraci	Reg. No. 38,157	Russell DeClerck	Reg. No. 46,364
C. Joseph Laughon, II	Reg. No. 31,389	Mark Rueh	Reg. No. 43,896
Leora Ben-Ami	Reg. No. 32,455	Joel N. Bock	Reg. No. 36,456
Robert D. Schaffer	Reg. No. 33,775	Dona C. Edwards	Reg. No. 42,507
Michael M. O'Shea	Reg. No. 35,631		

all of the firm of Clifford Chance US LLP, 200 Park Avenue, New York, New York 10166-0153, my attorney with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

12. Correspondence in connection with the attached reissue application should be addressed to:

Philip E. Roux, Esq.
 Clifford Chance US LLP
 200 Park Avenue
 New York, NY 10166-0153
 (212) 878-3153

We, the undersigned petitioners, declare further that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements or the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Michael E. Reedy

Date

Edward W. Rider, Jr.

Date